



## Board of Adjustment Case Report

City of Raleigh  
Department of City Planning  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2626  
[www.raleighnc.gov](http://www.raleighnc.gov)

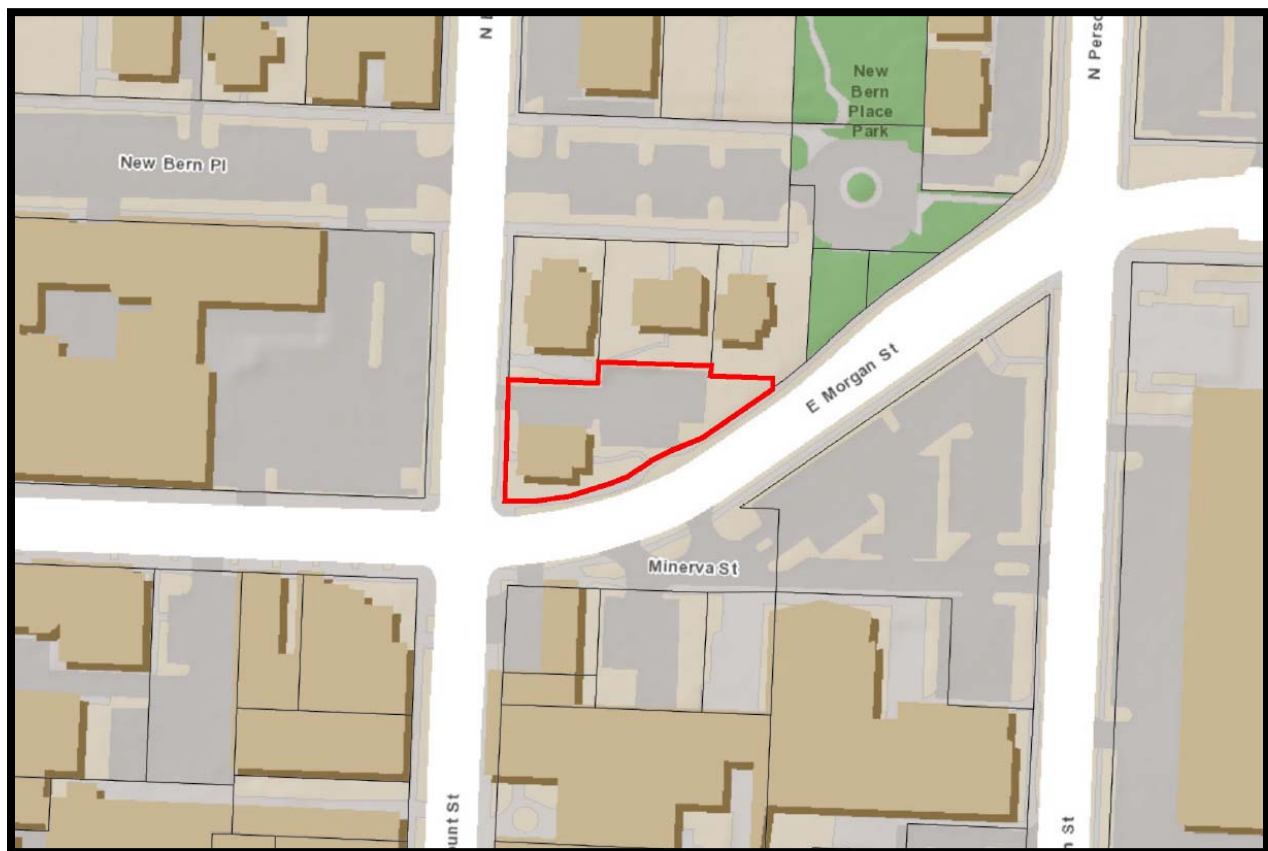
**Case File:** A-28-17

**Property Address:** 11 S. Blount Street

**Appellant:** Campbell Law School

**Project Contact:** J. Rich Leonard, Dean of Campbell Law School

**Nature of Case:** An appeal of a Raleigh Historic Development Commission decision, case 164-16-CA, which denied a Certificate of Appropriateness for a 42" tall by 40" wide ground sign on a .35 acre parcel containing a historic landmark in the Capitol Square Historic Overlay District zoned Downtown Mixed-use-3-Detached and General Historic Overlay District located at 11 S. Blount Street. .



**11 S. Blount Street – Location Map**

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**To BOA:** 2-13-17

**Staff Coordinator:** Eric S. Hodge, AICP

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**ZONING DISTRICTS:** zoned Downtown Mixed-use-3-Detached and General Historic Overlay District



## 11 South Blount Street – Zoning Map

### Section 2.2.1.A. Residential Lot Dimensions (Residential-4)

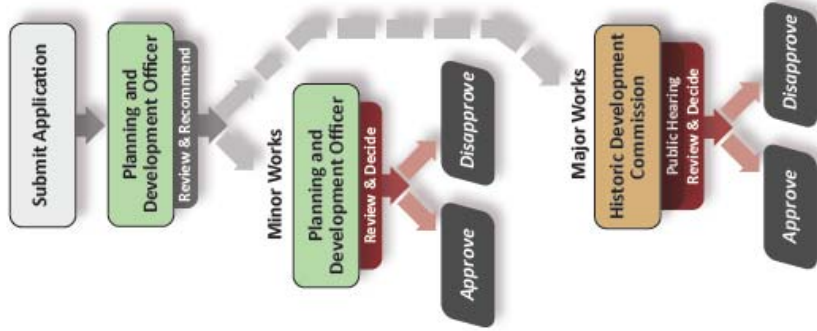
**Area (min):** 10,000 SF  
(Subject to Sec. 2.1.1.D. density restriction of 4 units per acre (10,890 SF per unit))

**Width – interior lot (min):** 65'

**Width – corner lot (min):** 80'

**Depth (min):** 100'

**Density (max):** 4 u/a



**Sec. 10.2.15. Certificate of Appropriateness**

**A. Jurisdiction**

1. The Historic Development Commission has jurisdiction for certificates of appropriateness for the exterior of all properties within the -HOD-G and -HOD-S.
2. The Historic Development Commission has jurisdiction for certificates of appropriateness for the exterior of Historic Landmarks within Raleigh's zoning jurisdiction.
3. The Historic Development Commission has jurisdiction for certificates of appropriateness for all designated interior spaces of Historic Landmarks within Raleigh's zoning jurisdiction.

**B. Expiration of Certificate of Appropriateness**

1. A certificate of appropriateness shall expire 6 months after the date of issuance if the work authorized by the certificate has not been commenced.
2. If after commencement the work is discontinued for a period of 12 months, the permit shall immediately expire.
3. A certificate of appropriateness authorizing demolition shall expire if the work has not been commenced within 6 months after the authorization date set by the Commission. If after commencement the demolition work is discontinued for a period of 12 months, the approval shall immediately expire.
4. No work authorized by any certificate that has expired shall thereafter be performed until a new certificate has been secured.

**C. Application**

1. All applications for a certificate of appropriateness are to be filed in the location noted on the current application form provided by the City.
2. The application shall be filed in accordance with the City's filing calendar on the form provided by the City.

3. The application must be accompanied by sketches, drawings, photographs, specifications, descriptions and other information of sufficient detail to clearly show the proposed exterior alterations, alterations to designated interior features of Historic Landmarks, additions, changes or new construction. The names and mailing addresses of property owners filing or subject to the application and the addresses of property within 100 feet on all sides of the property which is the subject of the application must also be filed. Multiple copies of the application shall be provided when so required by the instructions on the form provided by the City. No incomplete applications will be accepted.
4. Staff may advise the applicant and make recommendations with regard to appropriateness based upon the adopted historic development standards.

**D. Action on Application for Certificate of Appropriateness**

**1. Deadline**

Applications for certificates of appropriateness shall be acted upon within 90 days after the complete application is filed, otherwise the application shall be deemed to be approved and a certificate of appropriateness shall be issued; provided however, that the Commission may take the matter under advisement for a total period of up to 180 days to receive additional evidence or memoranda of authority requested by the Commission for its consideration. Nothing in this paragraph shall prohibit an extension of time where mutual consent is given.

**2. Minor Works**

Upon receipt of a completed application, the Planning and Development Officer may issue a certificate of appropriateness for minor works.

**a. Defined**

Minor works are defined as those changes that do not involve substantial alterations, additions or removals



that could impair the integrity of the Landmark property or the Historic Overlay District as a whole. Minor works are limited to those listed in the "Bylaws and Rules of Procedure" of the Historic Development Commission.

**b. Procedure**

- i. Applications for minor works shall be reviewed by the Planning and Development Officer according to the applicable historic development standards.
- ii. A report describing all certificates of appropriateness for minor works shall be forwarded to the Historic Development Commission, for its information, at its next regularly scheduled meeting.
- iii. Failure to approve the requested minor work by the Planning and Development Officer shall in no way interfere with the applicant's right to be heard by the Historic Development Commission—no application for a certificate of appropriateness may be denied without formal action by the Historic Development Commission.
- iv. Appeals of administrative decisions to approval a Minor Work are heard by the Historic Development Commission. Notice of appeal shall be filed with the City Planning Department within 30 days after the date the application for Minor Works was affirmatively decided. An appeal stays all work on the approved Minor Work during the review period of the Historic Development Commission.

**3. Notice**

- a. Whenever a hearing on the application is to be heard by the Commission, Planning and Development shall make a reasonable attempt to identify and notify by mail the owners of property within 100 feet on all sides of the property that is the subject of the pending application.
- b. Mailed notices are for the convenience of the property owners and occupants and any defect or their omission shall not impair the validity of issuing a certificate of appropriateness or any following action.

**4. Hearing**

- a. Planning and Development shall transmit the application for a certificate of appropriateness, together with the supporting material, to the review body for its consideration.
- b. Prior to the issuance or denial of a certificate of appropriateness by the Commission, the applicant and persons meeting the criteria of G.S. 160-A-393 shall be given the opportunity to be heard at the hearing.
- c. All meetings of the Historic Development Commission shall be open to the public in accordance with the North Carolina open meetings law, N.C. Gen. Stat. Chapter 143, Article 33B.
- d. Interior arrangement shall not be considered by the review body and no certificate of appropriateness is required for interior repairs or renovations, except for designated interior features of Historic Landmarks as allowed in Sec. 10.2.16.D.2.
- e. The review body shall not refuse to issue a certificate of appropriateness except for the purpose of preventing the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, outdoor advertising signs or other significant features in the -HOD-G, -HOD-S or for Historic Landmarks, which would be incongruous with the special character of the district or Landmark.
- f. The Commission shall render its decision in written form, including its reasons for issuing or denying the certificate and a summary of any citation to the evidence, testimony, studies or other authority upon which it based its decision.
- g. Without objection from any interested parties, the Historic Development Commission may hold summary proceedings on Certificates of Appropriateness. Such proceedings shall be a public meeting and the Commission's decision shall be rendered in written form.
- h. In all proceedings or public hearings before the Historic Development Commission with regard to an application for a certificate of appropriateness, the burden of producing substantial evidence or testimony is upon the applicant and if the applicant fails to do so, the Commission shall deny the certificate.
- i. Notwithstanding any other provisions of this UD O, the Historic Development Commission may require additional evidence or

memoranda of authority to be submitted and may take the matter under advisement until such evidence or memoranda have been submitted and considered up to the 180-day limit established above.

- j. As part of its deliberation, the Commission may view the premises and seek the advice of the North Carolina Division of Archives and History or such other expert advice as it may deem necessary under the circumstances.
- k. The Commission's action on the application shall be approval, approval with conditions, deferral or denial.
- l. Notice of decision shall be provided as required in Sec. 10.2.1.C.6.

#### **E. Demolition of Buildings, Structures and Sites**

##### **1. General**

An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure or site within any Historic Overlay District or Historic Landmark may not be denied except as provided below for Statewide Significance. However, the authorization date of such a certificate may be delayed for a period of up to 365 days from the date of issuance. The maximum period of delay authorized by this section shall be reduced by the Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period of delay the Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building, structure or site. If the Commission finds that the building, structure or site has no particular significance or value toward maintaining the character of the Historic Overlay District or Historic Landmark, it shall waive all or part of such period and authorize earlier demolition or removal.

##### **2. Pending Historic Landmark and within a Pending -HOD-G or -HOD-S**

- a. Where the Historic Development Commission has voted to recommend designation of a property as a Historic Landmark or an area as a -HOD-G or -HOD-S and final designation has not been made by the City Council, the demolition or destruction of any building, site or structure proposed as a Landmark or located in the proposed district may be delayed by the

Commission for a period of up to 180 days or until the City Council takes final action on the designation, whichever occurs first.

- b. Should the Council approve the designation prior to the expiration of the 180-day delay period, an application for a certificate of appropriateness for demolition must then be filed; however, the maximum period of authorization date delay for such demolition certificate shall be reduced by the Commission equal to the period of delay while the designation was pending.

##### **3. Statewide Significance**

An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure or site determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

##### **4. Compliance with Other Law**

Issuance of a certificate of appropriateness shall not relieve the applicant, contractor, tenant or property owner from obtaining any other permit required by this UDO or any law.

#### **F. Appeals**

1. In any action by the Historic Development Commission granting or denying any certificate of appropriateness issued as a summary proceeding or following a quasi-judicial public hearing, an appeal by an aggrieved party may be taken to the Board of Adjustment. To perfect such an appeal, written notice of intent to appeal must be provided to the Historic Development Commission, within 30 days following the effective date of decision. A completed application for appeal of a Raleigh Historic Development Commission decision, including all papers constituting the record, must then be filed with the Board of Adjustment within 35 days following the effective date of decision of the Commission. Effective date of decision occurs when the minutes of the proceeding are approved by the Commission. Appeals shall be in the nature of certiorari.
2. The State of North Carolina shall have a right of appeal to the North Carolina



CHAPTER 10. ADMINISTRATION | Article 10.2. Review Procedures  
 Sec. 10.2.15. Certificate of Appropriateness

Historical Commission or any successor agency. Notice to the Historic Development Commission shall be served on the same day and in the same manner as for the North Carolina Historical Commission unless oral notice of appeal is given to the Historic Development Commission during the meeting at which the decision is rendered. The decision of the North Carolina Historical Commission shall be final and binding upon both the state and the Historic Development Commission.

**G. Effect of Conflict with Other Ordinances**

Whenever any ordinance adopted pursuant to N.C. Gen. Stat. Part 3C, Article 19, Chapter 160A requires a longer waiting period or imposes other higher standards with respect to a designated historic landmark or designated –HOD-G or –HOD-5 than are established under any other statute, charter provision or regulation, Part 3C shall govern. Whenever the provisions of any other statute, charter provision, ordinance or regulation require a longer waiting period or impose other higher standards than are established under general statute such other statute, charter provision, ordinance or regulation shall govern.

Supp. No. 2

10 – 52  
 Effective Date: September 01, 2013

Part 10A: Unified Development Ordinance  
 City of Raleigh, North Carolina

DATE: December 21, 2016

TO: Mr. Eric Hodge  
Raleigh Board of Adjustment

FROM: Linda Davenport  
Campbell Law School



SUBJECT: Application for Appeal of Historic Development Commission Decision  
Case #164-16-CA – 11 S. Blount Street

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Attached is the application for appeal of the Historic Development Commission decision in Case #164-16-CA – 11 S. Blount Street, including the application review fee of \$200.00.

Included are the twelve copies of the materials reviewed at the RHDC public hearing. I attached a copy of the application for the BOA hearing with each of these twelve copies. If that is not needed, could you please remove? Tania Tully indicated that she would prepare an affidavit of the October 27, 2016 minutes with the official decision of the RHDC to replace the draft I have included in these documents.

Please don't hesitate to contact me with any questions. My cell is 910-890-4611.

Thank you for your assistance in this process, and we look forward to seeing you on February 13, 2017.

Ld

Enclosures





# Application for Appeal of Historic Development Commission Decision



**RALEIGH**  
DEPARTMENT OF  
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Office use only: Transaction Number: \_\_\_\_\_

## Summary of decision being appealed:

Building tenant Campbell Law School applied to RHDC for a COA for a ground sign approx. 42" tall x 40" wide. The application was denied because the ground sign did not meet the Guidelines for a property in the residential Blount Street Historic District. The guidelines specify that "for commercial adaptive uses in a historic district with residential character, small simple signs constructed of traditional sign materials and affixed to the body of the building near the front door are considered appropriate." The RHDC has denied all previous applications for ground signs in the district, and testimony was heard that the Capital Planning Commission is against ground signs.

## Provide all previous case numbers for administrative approvals, including official interpretations:

1. 164-16-CA      2. 167-16-MW      3.      4.      5.

## GENERAL INFORMATION

Property Address 11 S. Blount Street		Date December 21, 2016
Property PIN 1703789953	Current Zoning BUS	Property Size 0.35 acres 1,775 sf heated
Is Property Designated Landmark? Yes	Name of Historic Overlay District Capitol Square	Fax Owner: 919-838-0102 Applicant: 919-865-5993
Property Owner Bretsch LLC Applicant: Campbell Law School	Phone Owner: 919-838-0101 Applicant: 919-865-4491	Email Owner: ecapps@collegiatecapital.com Applicant: leonardjr@campbell.edu

Property Owner's Mailing Address  
214 New Bern Place Raleigh NC 27601-1416 Applicant: 225 Hillsborough St., Su. 401, Raleigh NC 27603

Owner/Agent Signature

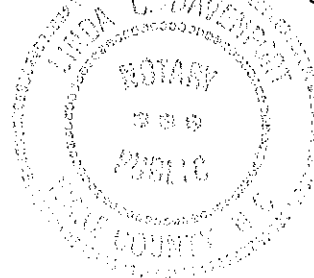
Notary Signatory

Sworn and subscribed before me this 21<sup>st</sup> day of DECEMBER  
20 16

*Linda C. Davenport*  
Exp. 7/20/18

Notary Signature and Seal

*Linda C. Davenport*



An application to appeal a Raleigh Historic Development Commission decision will not be considered complete until all required submittal components listed on the Appeal Checklist have been received and approved.

## APPEAL OF RHDC DECISION CHECKLIST

### TO BE COMPLETED BY APPLICANT

PRE-SUBMITTAL REQUIREMENTS	YES	N/A
1. A final Raleigh Historic Development Commission action is required prior to filing an appeal	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Written notice of appeal shall be sent to the RHDC within 20 days of decision	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Completed Administrative Appeal Intake Requirements sheet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RHDC APPEAL CONSIDERATIONS		
1. An appeal of an RHDC Decision is heard before the Board of Adjustment in a quasi-judicial setting	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The Board of Adjustment shall conduct a quasi-judicial hearing within 60 days of receipt of a completed application	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The Board of Adjustment hearing will be in the nature of certiorari	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SHOWINGS		
1. The showings of the reviewing body shall be those required for the original decision	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## APPLICATION INTAKE REQUIREMENTS

PRE-SUBMITTAL REQUIREMENTS	Applicant		City Staff Use Only		
	YES	NO	YES	NO	N/A
1. I have referenced the Appeal of RHDC Decision Checklist and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
2. Appeal of RHDC Decision application review fee (see Development Fee Schedule for rate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
3. Completed, notarized application	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
4. One set of stamped envelopes addressed to all property owners within 100 feet of the subject property (if appeal is related to specific property)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
5. List of all adjacent property owners	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
6. Twelve copies of materials reviewed at the RHDC public hearing	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

Notice to appeal a Raleigh Historic Development Commission decision must be mailed to the Commission twenty days after the decision has been rendered.

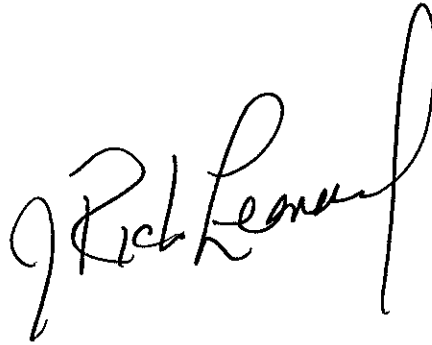
MEMORANDUM

TO: RALEIGH BOARD OF ADJUSTMENT

FROM: J. RICH LEONARD, DEAN OF CAMPBELL LAW SCHOOL

RE: DENIAL OF SIGN AT 11 S. BLOUNT STREET

DATE: DECEMBER 20, 1916



I am writing in support of the law school's appeal of the denial of our request for a yard sign at 11 South Blount Street to identify the location of the Campbell Community Law Clinic. I offer these reasons:

1. The Campbell Community Law Clinic is a major initiative of the law school in which we partner with major social service agencies such as Raleigh Rescue Mission, Urban Ministries, and StepUp Ministry to solve legal problems their clients encounter when they attempt to obtain employment, benefits, or independent housing. It is staffed fulltime by a Director, an Office Manager, and eight students each semester. It has been enormously successful in its first semester of operation. We have committed hundreds of thousands of dollars to this effort, and are engaged in major fundraising to make this clinic a permanent fixture of the legal culture of downtown Raleigh.
2. We have enjoyed broad-based community support. Our September ribbon-cutting was attended by prominent citizens including the Chief Justice, bar leaders, and Mayor pro tem Kay Crowder who spoke and promised the full backing of the City.
3. We chose the location deliberately to be close to the clients we serve, as many lack transportation and are located within walking distance.
4. What we feared when we chose this location has come to pass: our potential clients cannot find us, as the clinic looks like a residence and there is absolutely nothing to identify it as a law office.
5. Since this house was moved to this location in 1982, it has never been used as a residence. It has been occupied exclusively by organizations and businesses, initially by Preservation North Carolina and then as law and architectural offices.
6. The properties on the other corners of this intersection are in no way residential: they include a parking lot, an auto garage now rehabbed as a church, and a vacant auto garage and parking lot. No other residential structure faces South Blount Street in the downtown area. The precedent cited for denying this sign was on a house six blocks away in the heart of Oakwood.
7. A sign on the front of the house would be very difficult to see from the street, and would detract more from the architectural appearance of the residence than would an appropriate yard sign.

8. Moving the clinic to a new location where signage would be permitted is not feasible, as we committed to a three-year lease before learning of this difficulty.

For these reasons, I ask that you reverse the decision of the Historic Development Commission and allow us to install the requested signage.



1703789953  
BRETSCH LLC  
214 NEW BERN PL  
RALEIGH NC 27601-1416

1703786949  
NORTH CAROLINA STATE OF  
STATE PROPERTY OFFICE  
116 W JONES ST  
RALEIGH NC 27603-1300

1703787737  
TRUSTEES OF EDENTON STREET UNITED  
METHODIST CHURCH...  
228 W EDENTON ST  
RALEIGH NC 27603-1714

1703788771  
WAKE COUNTY  
WAKE COUNTY ATTORNEY'S OFFICE  
PO BOX 550  
RALEIGH NC 27602-0550

1703788787  
MARBLES KIDS MUSEUM  
201 E HARGETT ST  
RALEIGH NC 27601-1437

1703789747  
RALEIGH CITY OF  
PO BOX 590  
RALEIGH NC 27602-0590

1703798092  
200 NEW BERN PL LLC  
GRAY WOLF HOLDINGS INC  
7 CORPORATE CENTER CT STE B  
GREENSBORO NC 27408-3839

1703799072  
P3 ASSOCIATES  
5625 GREENEVERS DR  
RALEIGH NC 27613-6198

1703881970  
BLOUNT HOURLY PARKING SERVICE LLC  
3323 ALLEGHANY DR  
RALEIGH NC 27609-6903

1703890062  
DANER LLC  
214 NEW BERN PL  
RALEIGH NC 27601-1416

1703891014  
RALEIGH CITY OF  
PO BOX 590  
RALEIGH NC 27602-0590

1703891065  
RALEIGH CITY OF  
PO BOX 590  
RALEIGH NC 27602-0590



RALEIGH HISTORIC DEVELOPMENT COMMISSION

# **164-16-CA: 11 S BLOUNT STREET**

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ITEMS CONTAINED IN RECORD FOR CERTIFICATE OF APPROPRIATENESS

1. Application 164-16-CA:
  - a. Application form (three pages);
  - b. Application attachment with written, photographic, and illustrative description of proposed work (ten pages).
  - c. Neighbor notice mailing address list;
2. Staff Report:
  - a. Staff position with suggested facts and decision (three pages);
  - b. Map from City of Raleigh iMaps noting Historic Overlay District Boundaries.
3. Location map prepared by staff.
4. Staff presentation from hearing (six pages).
5. Conformed copy of the "October 27, 2016 meeting minutes of the Raleigh Historic Development Commission's Certificate of Appropriateness (COA) Committee," as adopted November 18, 2016 (six pages).
6. Notarized transcript of the proceedings of 164-16-CA (twenty pages).
7. Video recording (DVD) from October 27, 2016 hearing: (1).





# Raleigh Historic Development Commission – Certificate of Appropriateness (COA) Application



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

Development Services  
Customer Service Center  
One Exchange Plaza  
1 Exchange Plaza, Suite 400  
Raleigh, North Carolina 27601  
Phone 919-996-2495  
eFax 919-996-1831



<input type="checkbox"/> Minor Work (staff review) – 1 copy  <input type="checkbox"/> Major Work (COA Committee review) – 10 copies <div style="margin-left: 20px;"> <input type="checkbox"/> Additions Greater than 25% of Building Square Footage  <input type="checkbox"/> New Buildings  <input type="checkbox"/> Demo of Contributing Historic Resource  <input checked="" type="checkbox"/> All Other                 </div> <input type="checkbox"/> Post Approval Re-review of Conditions of Approval	<p style="text-align: center; margin: 0;"><b>For Office Use Only</b></p> <p>Transaction # <u>490553</u></p> <p>File # <u>164-16-CN</u></p> <p>Fee <u>\$147</u></p> <p>Amount Paid <u>\$147 via CC</u></p> <p>Received Date <u>10/10/16</u></p> <p>Received By <u>ACH</u></p>
Property Street Address <u>11 South Blount Street</u>	
Historic District <u>Capitol Square</u>	
Historic Property/Landmark name (if applicable) <u>Horton-Beckham-Bretsches House</u>	
Owner's Name <u>Bretsches, LLC (Tony W. Sigmon, Manager)</u>	
Lot size	(width in feet)
(depth in feet)	
For applications that require review by the COA Committee (Major Work), provide addressed, stamped envelopes to owners of all properties within 100 feet (i.e. both sides, in front (across the street), and behind the property) not including the width of public streets or alleys (Label Creator).	
Property Address	Property Address
See attached list and self-addressed envelopes.	
	10 env

I understand that all applications that require review by the commission's Certificate of Appropriateness Committee must be submitted by 4:00 p.m. on the application deadline; otherwise, consideration will be delayed until the following committee meeting. An incomplete application will not be accepted.

Type or print the following:

<b>Applicant</b>	Campbell Law School, Campbell University (Contact: Linda Davenport)
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**Mailing Address** 225 Hillsborough Street, Su. 113

City Raleigh	State NC	Zip Code 27603
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Date	October 7, 2016	Daytime Phone	919-865-5879	910-890-4611 (m)
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Email Address [davenportl@campbell.edu](mailto:davenportl@campbell.edu)

Applicant Signature Linda C. Tavenport

Will you be applying for rehabilitation tax credits for this project? ☐ Yes ☒ No

Did you consult with staff prior to filing the application? ☒ Yes ☐ No

Office Use Only

Type of Work 64, 100

64, 100

**Design Guidelines** - Please cite the applicable sections of the design guidelines ([www.rhdc.org](http://www.rhdc.org)).

[illegible]



### Minor Work Approval (office use only)

Upon being signed and dated below by the Planning Director or designee, this application becomes the Minor Work Certificate of Appropriateness. It is valid until \_\_\_\_\_. Please post the enclosed placard form of the certificate as indicated at the bottom of the card. Issuance of a Minor Work Certificate shall not relieve the applicant, contractor, tenant, or property owner from obtaining any other permit required by City Code or any law. Minor Works are subject to an appeals period of 30 days from the date of approval.

Signature (City of Raleigh) \_\_\_\_\_ Date \_\_\_\_\_

TO BE COMPLETED BY APPLICANT	TO BE COMPLETED BY CITY STAFF				
	YES	N/A	YES	NO	N/A
Attach 8-1/2" x 11" or 11" x 17" sheets with written descriptions and drawings, photographs, and other graphic information necessary to completely describe the project. Use the checklist below to be sure your application is complete.  <u>Minor Work</u> (staff review) – 1 copy  <u>Major Work</u> (COA Committee review) – 10 copies			✓		
1. <b>Written description.</b> Describe clearly and in detail the nature of your project. Include exact dimensions for materials to be used (e.g. width of siding, window trim, etc.)	✓		✓		
2. <b>Description of materials</b> (Provide samples, if appropriate)	✓		✓		
3. <b>Photographs</b> of existing conditions are required. Minimum image size 4" x 6" as printed. Maximum 2 images per page.	✓		✓		
4. <b>Paint Schedule</b> (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>			✓
5. <b>Plot plan</b> (if applicable). A plot plan showing relationship of buildings, additions, sidewalks, drives, trees, property lines, etc., must be provided if your project includes any addition, demolition, fences/walls, or other landscape work. Show accurate measurements. You may also use a copy of the survey you received when you bought your property. Revise the copy as needed to show existing conditions and your proposed work.	✓	<input type="checkbox"/>	✓		
6. <b>Drawings</b> showing existing and proposed work <input type="checkbox"/> Plan drawings <input type="checkbox"/> Elevation drawings showing the façade(s) <input type="checkbox"/> Dimensions shown on drawings and/or graphic scale (required) <input type="checkbox"/> 11" x 17" or 8-1/2" x 11" reductions of full-size drawings. If reduced size is so small as to be illegible, make 11" x 17" or 8-1/2" x 11" snap shots of individual drawings from the big sheet.	<input type="checkbox"/>	<input type="checkbox"/>	✓		
7. Stamped envelopes addressed to all property owners within 100 feet of property not counting the width of public streets and alleys (required for Major Work). Use the <u>Label Creator</u> to determine the addresses.	✓	<input type="checkbox"/>	✓		
8. <b>Fee</b> ( <u>See Development Fee Schedule</u> )	✓		✓		

## **Sign for Campbell Community Law Clinic at 11 S. Blount Street**

### **Written Description of Project**

Campbell Law School requests approval to install a ground sign for its Campbell Community Law Clinic at 11 S. Blount Street. The proposed location for the sign is in the front yard of the 0.35-acre site, in the triangle formed by the house/porch/walkway and the intersection of Blount and Morgan Streets. This section of the yard is also raised above the sidewalk between the house and approximately 37-in high retaining walls outlining the front yard and the southside yard. Please see attached plot plan with location denoted and the photographs showing existing conditions and sign in proposed location.

Campbell Law School and its sign vendor have designed a sign that will enhance the architectural integrity of the building, and its materials, size, scale, and color are compatible with the character of the house and the district.

Sign dimensions are 42 inches tall, from the bottom of the posts to the tops of the posts and sign. The sign will be 40 inches wide and 2 inches deep, flanked by two, 2-inch square posts. See attached photos of sign design, colors, and dimensions.

The sign will be constructed of redwood, painted using colors outlined below. The colors are the same colors found on the house.

1. The posts and border around the sign will be painted the salmon color on the trim of the house and porch. This is a custom Sherwin Williams color named Rear Trim, composed of four different colors.
2. The main field of the sign will be SW Aloof Gray, which is the main color of the house.
3. The sign lettering, border outline, and the tops of the posts will be black.



The Campbell Law School logo official colors are as follows:

	PMS	RGB	HEX#
Orange	158C	234, 113, 37	#ea7125
Black	Black	0, 0, 0	#000000

The base of the sign can be screened by small plantings to enhance its appearance, if required.

While the Section 2.8 (Signage) of the Historic Development Commission's Design Guidelines states that for commercial adaptive uses in historic districts with residential character, as is the case with the Capitol Square District, that small simple constructed signs affixed to the body of the building near the front door are considered appropriate, there are several unique circumstances that the commission members should take into consideration with regard to the Horton-Beckham-Bretsch House.

Although housed in a residential structure, the Campbell Community Law Clinic is a non-profit organization which requires high visibility to its clients and the community it serves to be successful. The Capitol Square Historic District has a mix of commercial and residential properties, and the Horton-Beckham-Bretsch House is located adjacent to the Downtown Raleigh commercial district, across both streets on which it is situated.

The landmark designation report for the house states "The house was moved in 1982 from 111 N. McDowell Street, in the northeast corner of the Capitol Square Historic Overlay District, to its current site at 11 S. Blount Street in the southeast corner of the district, and thus has lost its integrity of location." The site itself isn't historic in nature, only the structure.

This proposed location will be more visible to both vehicle and pedestrian traffic than two possible locations on the body of the building which are considered appropriate in the Capitol Square Historic District. One location on the front of the house, immediately to the left of the door and below or above the light, is 27 inches wide and would support only a 22-in sign. The other location is on the front wall of the house on the Morgan Street side between the door and the window. Although the wall space is 50 inches wide, the front façade is recessed approximately three feet from the front door, making it less visible. Both locations are blocked by trees, porch posts, and street parking signage. The fact that traffic on both of the cross streets of Blount and Morgan are one-way make it difficult to see a sign affixed to the house from either the southbound Blount Street or the eastbound Morgan Street.

Also, per the Guidelines, the alternative of "...applying a sign to the glazing of a storm or front door as is seen along North Blount Street" would probably not be a good option as the front door glass panels on 11 South Blount Street are extremely narrow.

The ground, or yard, sign that we propose is compatible in material, size, color, scale, and character with the structure and does not obstruct or damage any facades or architectural details of the house.



# Campbell Community Law Clinic

*Called to serve others  
and to create a more just society*

Background - to match "Rear Trim"



**Campbell Community  
Law Clinic**

*Called to serve others  
and to create a more just society*

30

Gray - to match "SW Alcoof  
GRAY

42

30

Lettering/Border in Black

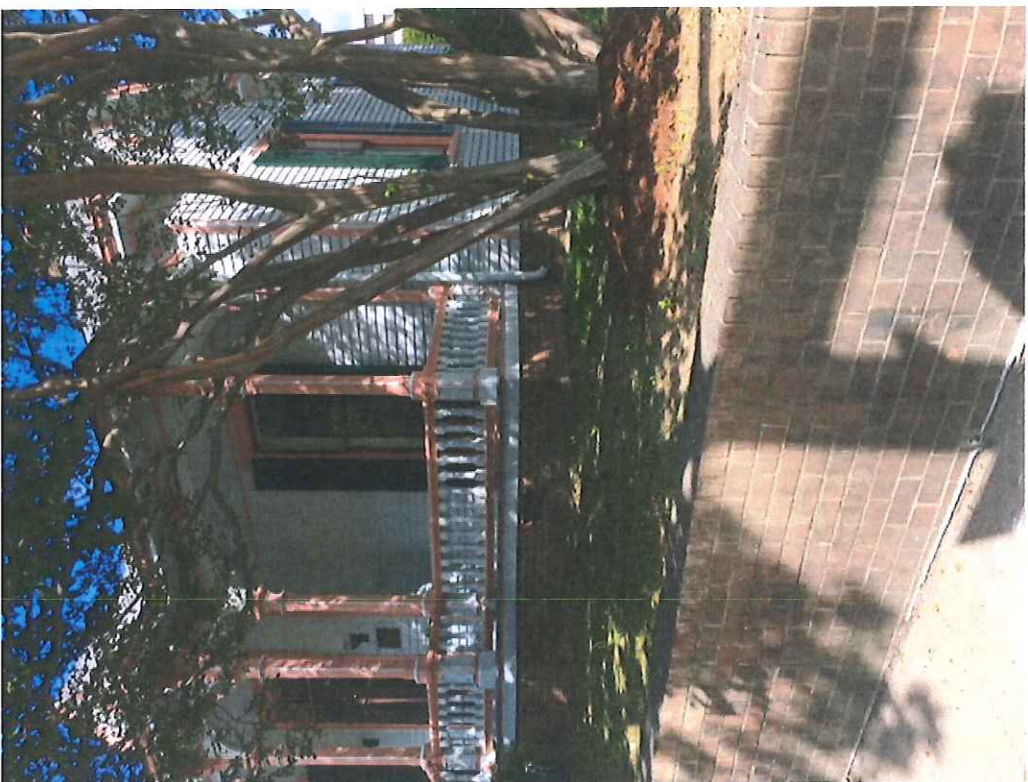
Ground Level







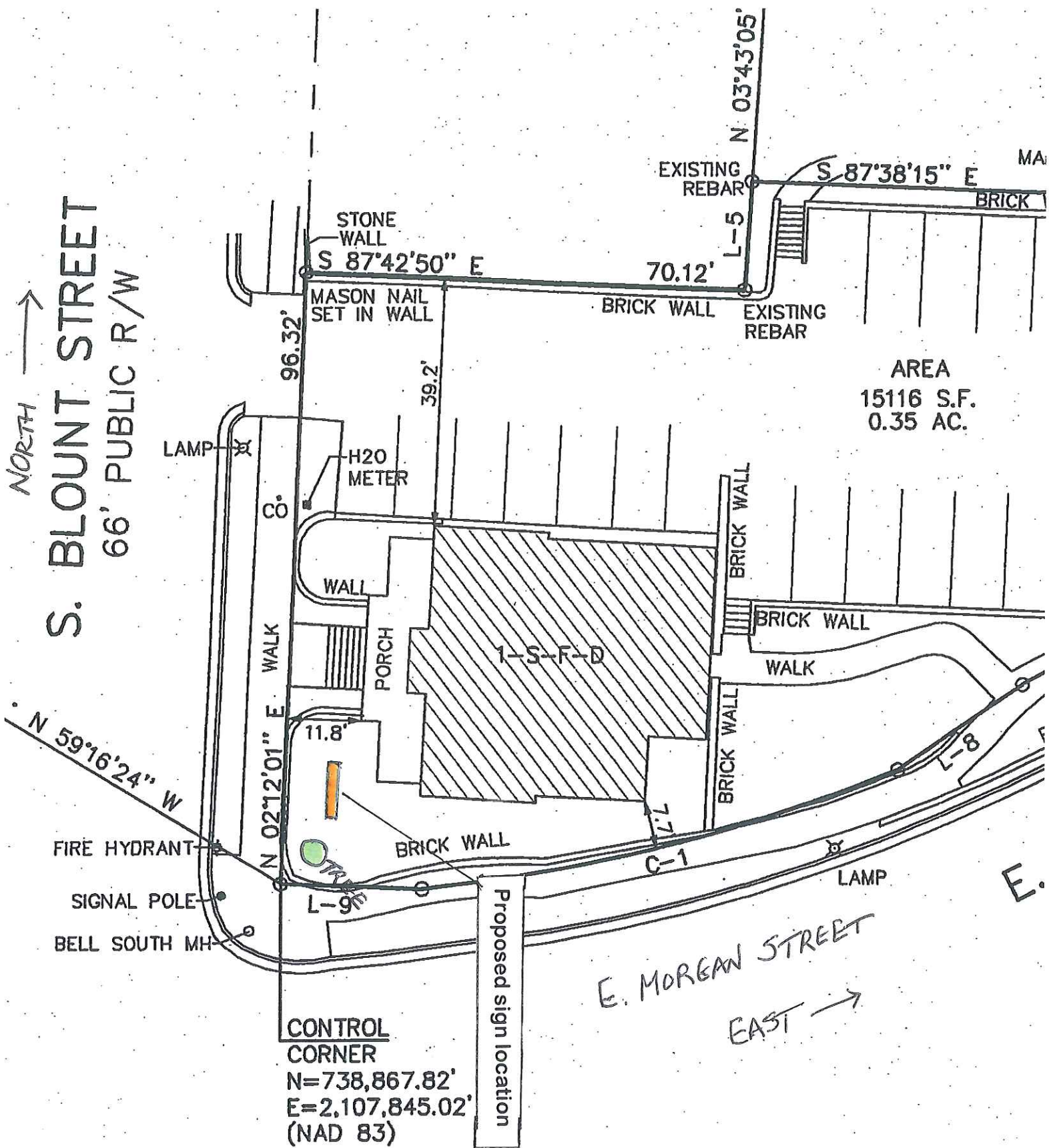








NORTH →  
**S. BLOUNT STREET**  
66' PUBLIC R/W





1703789953  
BRETSCH LLC  
214 NEW BERN PL  
RALEIGH NC 27601-1416

1703788787  
MARBLES KIDS MUSEUM  
201 E HARGETT ST  
RALEIGH NC 27601-1437

1703799072  
P3 ASSOCIATES  
5625 GREENEVERS DR  
RALEIGH NC 27613-6198

1703891014  
RALEIGH CITY OF  
PO BOX 590  
RALEIGH NC 27602-0590

1703786949  
NORTH CAROLINA STATE OF  
STATE PROPERTY OFFICE  
116 W JONES ST  
RALEIGH NC 27603-1300

1703789747  
RALEIGH CITY OF  
PO BOX 590  
RALEIGH NC 27602-0590

1703881970  
BLOUNT HOURLY PARKING SERVICE LLC  
3323 ALLEGHANY DR  
RALEIGH NC 27609-6903

1703891065  
RALEIGH CITY OF  
PO BOX 590  
RALEIGH NC 27602-0590

1703787737  
TRUSTEES OF EDENTON STREET UNITED  
METHODIST CHURCH...  
228 W EDENTON ST  
RALEIGH NC 27603-1714

1703798092  
200 NEW BERN PL LLC  
GRAY WOLF HOLDINGS INC  
7 CORPORATE CENTER CT STE B  
GREENSBORO NC 27408-3839

1703890062  
DANER LLC  
214 NEW BERN PL  
RALEIGH NC 27601-1416



This document is a graphic representation only,  
created from the best available sources.  
The City of Raleigh assumes no responsibility for any errors,  
or misuse of this document.

164-16-CA

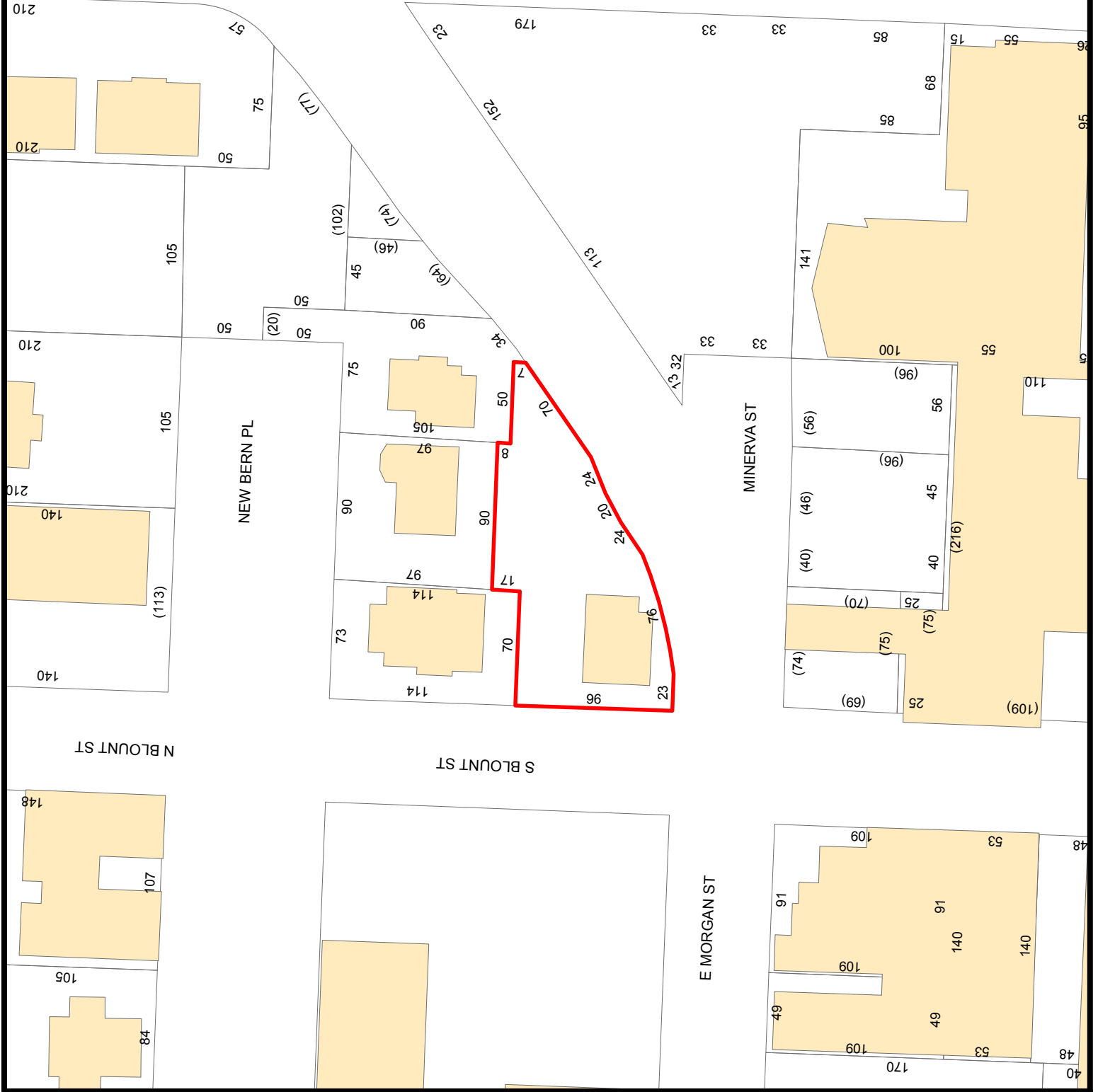
11 S BLOUNT STREET  
(HORTON-BECKHAM-  
BRETSCH HOUSE)  
CAPITOL SQUARE HISTORIC  
DISTRICT  
(HOD-G, LANDMARK)



A horizontal scale bar labeled "Feet" at the right end. It has tick marks and labels for 0, 25, 50, and 100. The bar is divided into four equal segments, each representing 25 feet.

**Nature of Project:**  
Install 42" tall 40" wide ground sign.

APPLICANT:  
GUPTON BUILT LLC





## APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – STAFF POSITION

164-16-CA      11 S BLOUNT STREET  
Applicant:      CAMPBELL LAW SCHOOL, CAMPBELL UNIVERSITY  
Received:      10/10/2016      Meeting Date(s):  
Submission date + 90 days: 1/8/2017      1) 10/27/2016      2)      3)

### INTRODUCTION TO THE APPLICATION

Historic District: CAPITOL SQUARE HISTORIC DISTRICT

Raleigh Historic Landmark: HORTON-BECKHAM-BRETSCH HOUSE

Zoning: HOD-GENERAL

Nature of Project: Install 42" tall 40" wide ground sign.

#### Staff Notes:

- Ordinarily, review of a sign installation is eligible for minor work approval by staff. However, location of the proposed signs, in staff's judgment, may not meet the *Guidelines*. According to the commission's Bylaws and Rules of Procedure, Article XVI, "Staff will refer Minor Work projects to the commission for review if in staff's judgment the change involves alterations, additions, or removals that are substantial, do not meet the guidelines, or are of a precedent-setting nature."
- The Capital Square Historic District was locally designated in 1976.
- Section 2.8 of the *Guidelines* under Things to Consider As You Plan it states "For commercial adaptive uses in a historic district with residential character, small simple signs constructed of traditional sign materials and affixed flush to the body of the building near the front door are considered appropriate. Alternatively, the sign might be applied to the glazing of a storm or front door, as is seen along North Blount Street. For historic institutional uses within predominantly residential districts, simple signs constructed of traditional sign materials should be discreetly located. Small historic plaques and markers are usually mounted near the entrance on the exterior wall in a location where no architectural detail is damaged or concealed."

### APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.8	Signage	Install 42" tall 40" wide ground sign

### STAFF POSITION

Based on the information contained in the application, in staff's judgment:

- A. Installation of a sign is not incongruous according to *Guidelines* sections 2.8.2, 2.8.4, 2.8.5, 2.8.7, 2.8.9; however installation of a 42" tall 40" wide ground sign **may be** incongruous according to *Guidelines* sections 2.8.2, 2.8.6, 2.8.9, and the following facts:

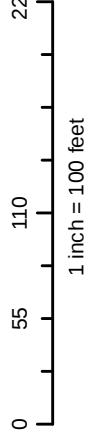
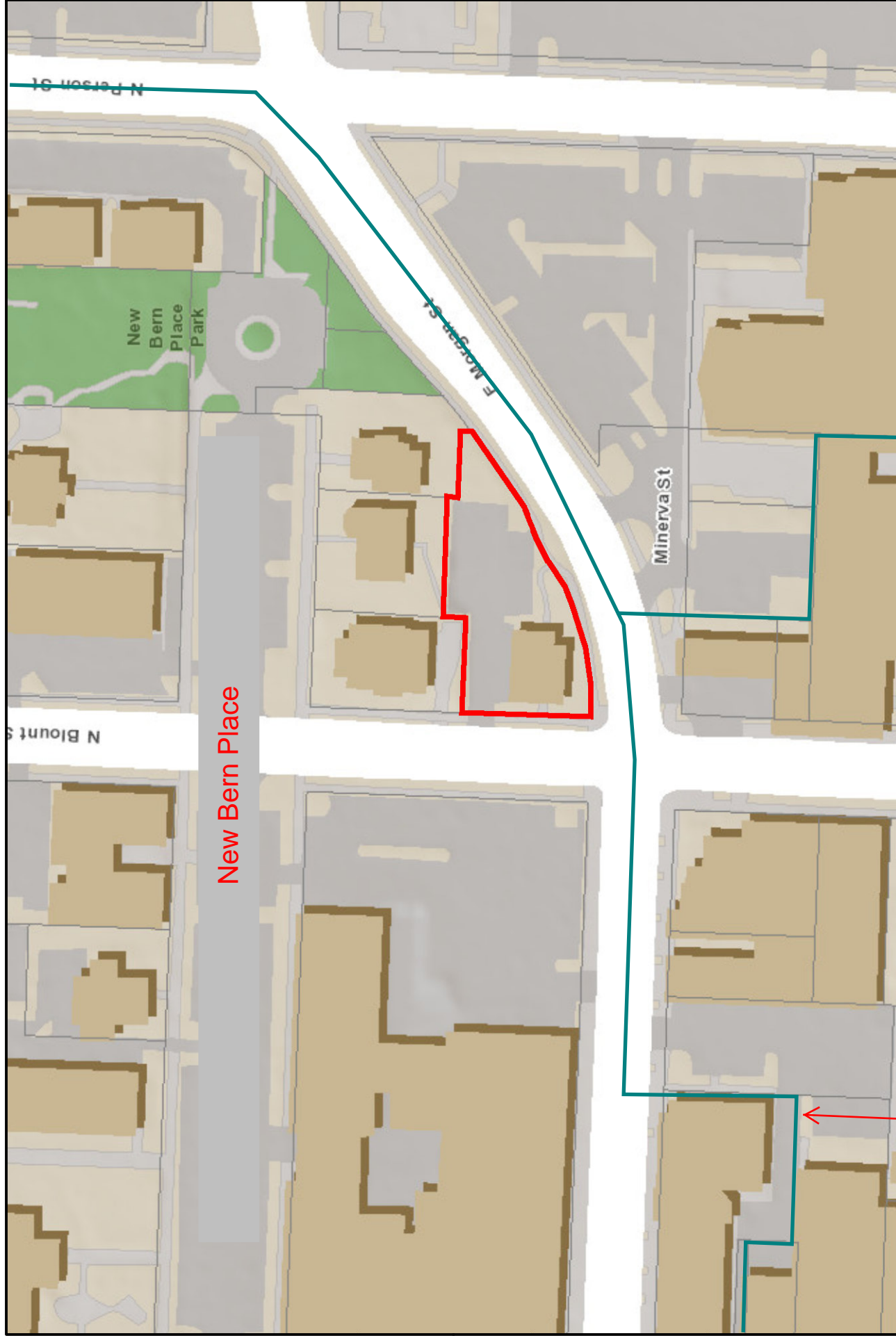
- 1\* The faces of the sign are proposed to be 40"x30" and will sit at a maximum height of 42".
- 2\* Wood is a traditional material used for signs.

- 3\* The text of the sign is simple and easy to read and will be painted to match the colors of the logo which coordinate with the colors of the house.
- 4\* The Special Character of the Capitol Square Historic District (p. 80-81) of the *Design Guidelines for Raleigh Historic Districts* states:
- a. "The street pattern is regular, with streets intersecting at right angles as laid out in the original city plan. The one exception is at the east end of the district, where contemporary traffic engineering concerns for one-way traffic patterns led to the curving connection of Morgan Street to New Bern Avenue, creating a cul-de-sac at New Bern Place."
  - b. "The architectural character of the district is largely institutional in nature, dominated by state government buildings and church complexes." and "To the east of the Capitol, however, awaits a surprise of domestic delight unusual in the heart of an urban setting. Owing to the landscape and architectural qualities displayed in the two blocks of New Bern Avenue, this area departs from the strongly institutional character of the rest of the district."
  - c. New Bern Place is called out specifically as being residential in character and having a "calm ambiance of repose in an otherwise bustling downtown scene."
- 5\* The ordinance designating the Horton-Beckham-Bretsches House as a Raleigh Historic landmark states that it "possesses special significance architecturally as a bold example of the Eastlake cottage style in Raleigh and as one of a handful of residential buildings in the Capitol Square Historic Overlay District."
- 6\* A ground sign at 501 N Blount Street in the Blount Street Historic District was denied in 2013 (164-13-CA) largely because the Blount Street Historic District is residential in character.
- 7\* Since 1982 the house has sat on a .35-acre lot. North of the house is a seven car paved parking lot, and another paved fourteen-car lot extends to the rear, occupying the remainder of the parcel.
- 8\* The property sits at the southern boundary of the Capitol Square district immediately adjacent the Moore Square district.

9\* The properties on the other corners (north and west) of the intersection include a parking lot, a former auto garage rehabbed as a church, and a vacant auto garage and parking lot. To the north of the property are three houses facing New Bern Place including the White-Holman and Montgomery Houses.

10\* Plantings are not proposed at the base of the sign.

**Should the committee determine that the property is of residential character,** staff recommends denial.



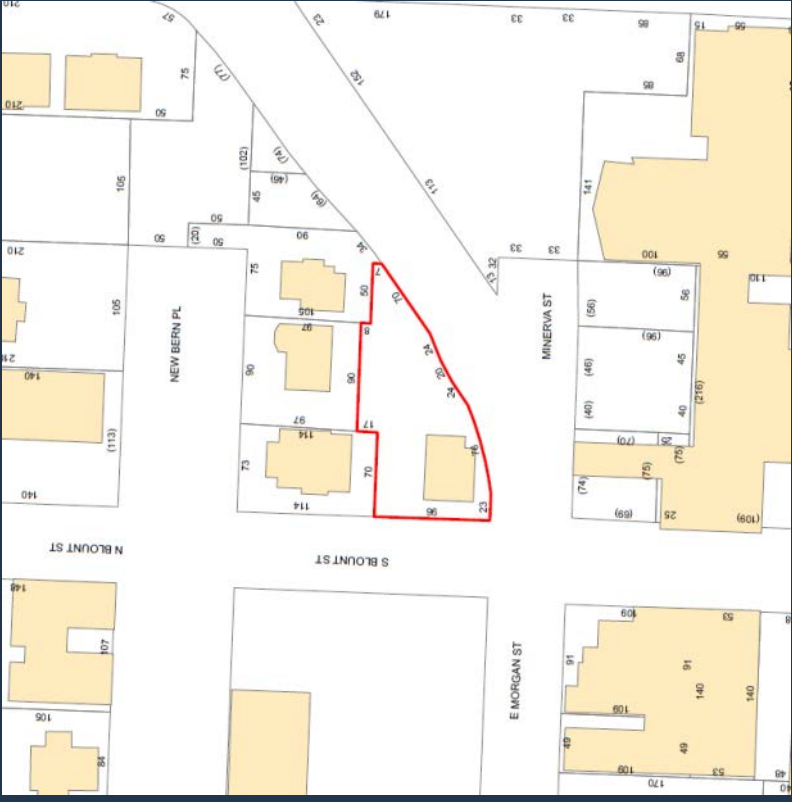
**Disclaimer**  
Maps make every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

HOD Boundaries

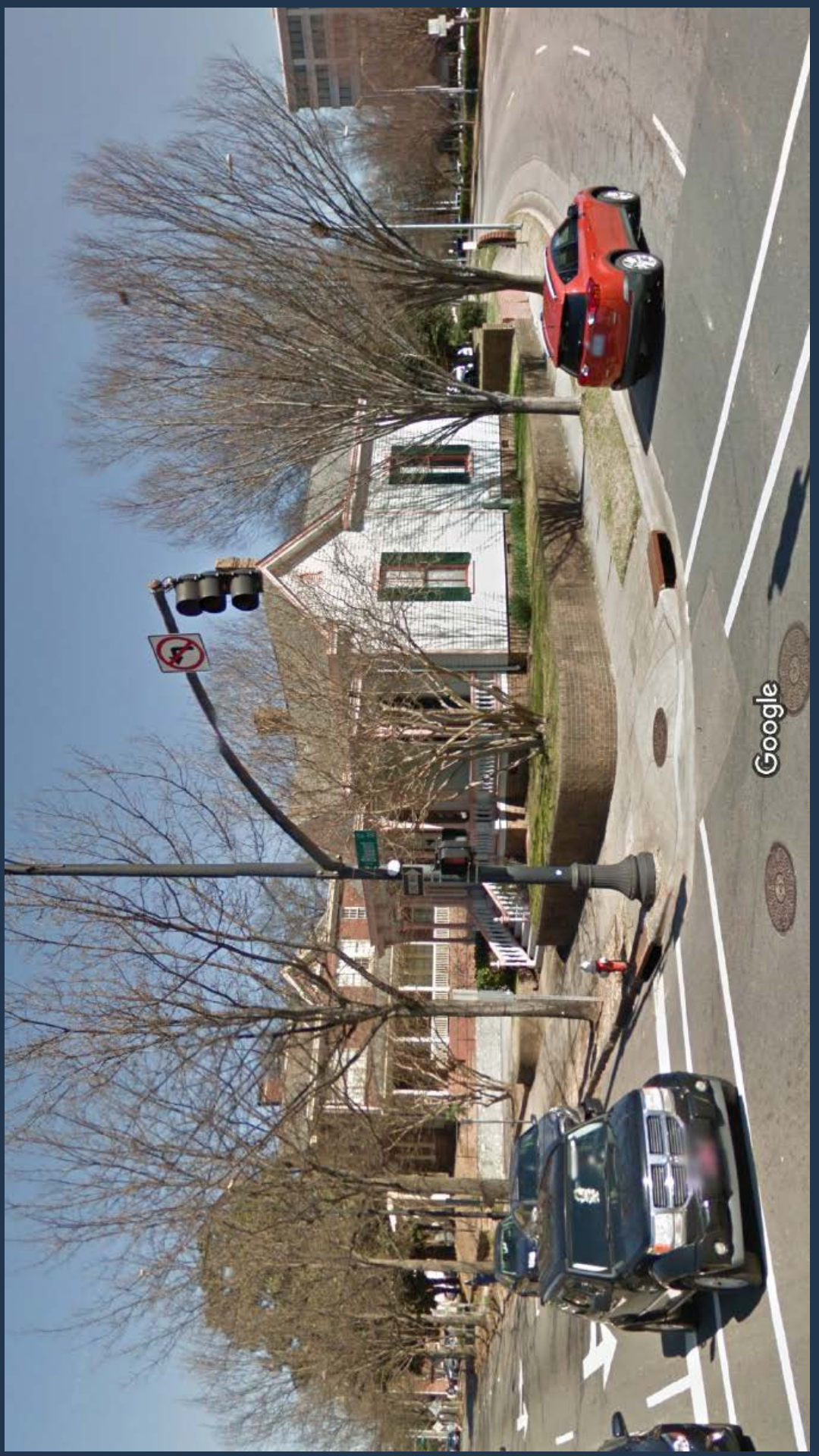


# CASE 164-16-CA

11 S Blount Street  
(Horton-Beckham-Bretsches  
House)  
Capitol Square Historic  
District  
HOD-G







Google















# CASE 164-16-CA

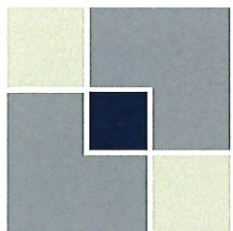
11 S Blount St (Horton-Beckham-Bretsch  
House) Capitol Square HOD-G

## Staff Recommendation

- Denial if property determined to be of residential character.







**RHDC**  
RALEIGH HISTORIC  
DEVELOPMENT COMMISSION

January 31, 2017

To Whom It May Concern:

Attached is a conformed copy of the "October 27, 2016 meeting minutes of the Raleigh Historic Development Commission's Certificate of Appropriateness (COA) Committee," consisting of six pages as they relate to the public hearing concerning 11 S Blount Street, COA Case Number 164-16-CA.

It is a complete and accurate copy of the original document and all amendments to it.

Sincerely,

Tania Tully  
Preservation Planner, RHDC

encl.

Post Office Box 829  
Raleigh, North Carolina 27602  
(919) 832-7238 ph  
(919) 516-2682 fax  
[www.rhdc.org](http://www.rhdc.org)

## APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

164-16-CA      11 S BLOUNT STREET  
Applicant:      CAMPBELL LAW SCHOOL, CAMPBELL UNIVERSITY  
Received:      10/10/2016      Meeting Date(s):  
Submission date + 90 days: 1/8/2017      1) 10/27/2016      2)      3)

### INTRODUCTION TO THE APPLICATION

Historic District: CAPITOL SQUARE HISTORIC DISTRICT

Raleigh Historic Landmark: HORTON-BECKHAM-BRETSCH HOUSE

Zoning: HOD-GENERAL

Nature of Project: Install 42" tall 40" wide ground sign.

Conflict of Interest: None noted. Mr. Davis disclosed that he received a letter from the University, but that he could be impartial in his decision making.

#### Staff Notes:

- Ordinarily, review of a sign installation is eligible for minor work approval by staff. However, location of the proposed signs, in staff's judgment, may not meet the *Guidelines*. According to the commission's Bylaws and Rules of Procedure, Article XVI, "Staff will refer Minor Work projects to the commission for review if in staff's judgment the change involves alterations, additions, or removals that are substantial, do not meet the guidelines, or are of a precedent-setting nature."
- The Capital Square Historic District was locally designated in 1976.
- Section 2.8 of the *Guidelines* under Things to Consider As You Plan it states "For commercial adaptive uses in a historic district with residential character, small simple signs constructed of traditional sign materials and affixed flush to the body of the building near the front door are considered appropriate. Alternatively, the sign might be applied to the glazing of a storm or front door, as is seen along North Blount Street. For historic institutional uses within predominantly residential districts, simple signs constructed of traditional sign materials should be discreetly located. Small historic plaques and markers are usually mounted near the entrance on the exterior wall in a location where no architectural detail is damaged or concealed."

### APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.8	Signage	Install 42" tall 40" wide ground sign

### STAFF POSITION

Based on the information contained in the application, in staff's judgment:

- A. Installation of a sign is not incongruous according to *Guidelines* sections 2.8.2, 2.8.4, 2.8.5, 2.8.7, 2.8.9; however installation of a 42" tall 40" wide ground sign **may be** incongruous according to *Guidelines* sections 2.8.2, 2.8.6, 2.8.9, and the following facts:
- 1\* The faces of the sign are proposed to be 40"x30" and will sit at a maximum height of 42".
  - 2\* Wood is a traditional material used for signs.
  - 3\* The text of the sign is simple and easy to read and will be painted to match the colors of the logo which coordinate with the colors of the house.
  - 4\* The Special Character of the Capitol Square Historic District (p. 80-81) of the *Design Guidelines for Raleigh Historic Districts* states:
    - a. "The street pattern is regular, with streets intersecting at right angles as laid out in the original city plan. The one exception is at the east end of the district, where contemporary traffic engineering concerns for one-way traffic patterns led to the curving connection of Morgan Street to New Bern Avenue, creating a cul-de-sac at New Bern Place."
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  - 6\* A ground sign at 501 N Blount Street in the Blount Street Historic District was denied in 2013 (164-13-CA) largely because the Blount Street Historic District is residential in character.
  - 7\* Since 1982 the house has sat on a .35-acre lot. North of the house is a seven car paved parking lot, and another paved fourteen-car lot extends to the rear, occupying the remainder of the parcel.
  - 8\* The property sits at the southern boundary of the Capitol Square district immediately adjacent the Moore Square district.
  - 9\* The properties on the other corners (north and west) of the intersection include a parking lot, a former auto garage rehabbed as a church, and a vacant auto garage and parking lot. To the north of the property are three houses facing New Bern Place including the White-Holman and Montgomery Houses.
  - 10\* Plantings are not proposed at the base of the sign.

**Should the committee determine that the property is of residential character,** staff recommends denial.

## PUBLIC TESTIMONY

Staff Introduction: Tania Tully [affirmed] showed the location of the property on the map and noted highlights from staff comments. Ms. Tully stated the sign could be treated as if it is in a residential character district or a commercial character district and asked the committee to decide.

### Support:

Mr. Zeke Bridges [affirmed], assistant dean of administration, was present to speak in support of the application. Mr. Bridges stated the house was moved to the location in 1982 and serves as a pro bono law clinic that is run by the students. He noted that all other uses around the property are commercial and that this is the only house facing Blount Street. Mr. Bridges gave examples of other ground signs including 424 N. Blount Street and 310 N. Blount Street.

### Opposition:

There was no one else present to speak in favor of or in opposition to the application.

### Responses and Questions:

Ms. Tully noted that the signs on N. Blount Street are on state owned property and is not subject to zoning regulations. Mr. Thiem stated that most signs that are on a residence type house is hung from the edge of the porch. Ms. Tully clarified that the decoration of the porch on this house is significant. When a house is being used for a commercial use in a residential character district then a small sign is typically approved.

Mr. John Brooks [affirmed] stated that this very item was discussed on the Capital Planning Commission and that stand alone signs in yards are not allowed. The only example of this was in the Governor's house. Mr. Brooks added that 501 Blount Street wanted a sign and it was turned down for one. Mr. Brooks reasserted that this section of Blount Street has the same character as N. Blount Street.

At Mr. Davis' suggestion Mr. Smith moved that the public testimony portion of the hearing be closed. Mr. Hinshaw seconded; motion carried 5/0.

## Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:

We talked about the character of the street being residential in appearance versus commercial in use. [David]

2.8.9. speaks to ground signs in appropriate locations. [Smith]

Residential versus commercial in my impression it was more commercial versus residential. [Hinshaw]

It is a hybrid neighborhood. It is the beginning of the residential portion. [Davis]



Further up it is more residential and this is closer to the city. A lot of the structures around there are commercial. [Hinshaw]

The house is an outlier. [Davis]

It is an interesting dilemma. Walking by there, from the pedestrian scale, it is a house. It is appropriate in the context of the structure that is there it is a house and we do not allow the sign to minimize the impact. [Thiem]

Boylan Apartments has a ground sign but it is traditional for apartment to have that kind of sign. The question is what kind of sign is appropriate for this house. [Davis]

A small sign on a house is approved by a minor work. [Tully]

They could bring it out on an awning or perpendicular to the railing. [Thiem]

This is a transitional area visually. We have been consistent about not having a ground signs in front of houses. [David]

The size of the sign is awfully large. It is a house. [Hinshaw]

### Findings of Fact and Conclusions of Law

Mr. Smith moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff position A. (inclusive of facts 1-10) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Installation of a sign is not incongruous according to *Guidelines* sections 2.8.2, 2.8.4, 2.8.5, 2.8.7, 2.8.9; however installation of a 42" tall 40" wide ground sign is incongruous according to *Guidelines* sections 2.8.2, 2.8.6, 2.8.9, and the following facts:
  - 1\* The faces of the sign are proposed to be 40"x30" and will sit at a maximum height of 42".
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- 9\* The properties on the other corners (north and west) of the intersection include a parking lot, a former auto garage rehabbed as a church, and a vacant auto garage and parking lot. To the north of the property are three houses facing New Bern Place including the White-Holman and Montgomery Houses.
- 10\* Plantings are not proposed at the base of the sign.
- 11\* This is the only house facing Blount Street in the district.
- 12\* Testimony was provided that the Capital Planning Commission is against ground signs.

The motion was seconded by Ms. David; passed 5/0.

#### Decision on the Application

Mr. Smith made a motion that the application be denied

The motion was seconded by Ms. Davis; passed 5/0.

Committee members voting: David, Davis, Hinshaw, Thiem, Smith.

1                   **RALEIGH HISTORIC DEVELOPMENT COMMISSION**  
2                   **CERTIFICATE OF APPROPRIATENESS COMMITTEE**

3   IN THE MATTER OF:

4   **11 S. Blount Street**  
5   **Raleigh, N.C. 27601**

6   Applicant:       Campbell University,  
7                   Norman Adrian Wiggins School of Law

8                   T R A N S C R I P T   O F   T H E   P R O C E E D I N G S

9                   *(Excerpt)*

10                  October 27th, 2016

11                  4:02 P.M.

12                  C O M M I T T E E

13                  ***Mr. Don Davis, Chair***

14                       Ms. Sarah David  
15                       Mr. John Hinshaw  
16                       Mr. Francis P. Rasberry, Jr.  
17                       Mr. James E. Thiem, III  
18                       Mr. Caleb Smith

19                  S T A F F

20                  Ms. Tania Tully

21  
22   Transcribed by:       Sarah K. Anderson  
23                           AOC-Approved Transcriptionist  
24                           Pace Reporting Service, Inc.  
25                           January 30th, 2017

1 MS. TULLY: Okay. Case 16416-CA is at 11 South  
2 Blount Street, in the Capitol Square Historic District. It  
3 is also one of our newest landmark designations as the  
4 Horton-Beckham-Bretsches House. Capitol Square is a HOD  
5 general district.

6 And just a quick reminder, this is our last quasi-  
7 judicial case, but there are still three items of discussion,  
8 so don't get too excited yet. We don't usually have that  
9 many after the cases.

10 So -- okay. Hold on. Come on. Come on. There we  
11 go. Here's a picture from the corner, and a picture looking  
12 -- driving lane on Blount Street heading south, closer to the  
13 house. I thought that was different. Looks the same.

14 So what this case really comes down to is the  
15 question of character. The guidelines are, you know, address  
16 signage, treat signage a little bit differently, whether it's  
17 in a commercial character district or residential character  
18 district.

19 Most recently, and cited in the staff comments, was  
20 a denial of a ground sign in the Blount Street Historic  
21 District at a law firm. The Capitol Square Historic District  
22 special character essay, though, talks about there being two  
23 different characters in the district and doesn't specifically  
24 address this corner.

25 So basically, the question is -- is up to you about,

1 you know, where this property fits in the character of the  
2 Capitol Square Historic District. And if your determination  
3 is that it's a residential character, then a ground sign and  
4 staff judgment should be denied.

5 THE CHAIR: Okay. Everybody ready? Before we start  
6 --

7 MS. TULLY: [Inaudible.]

8 THE CHAIR: Okay.

9 MS. TULLY: Raz. Mr. Raspberry, normally Martha  
10 affirms me. Can you affirm me?

11 MR. RASBERRY: Sure.

12 MS. TULLY: Okay. Let me affirm them. 'Cause -- I  
13 can do it 'cause I'm a notary, but anyway.

14 **MR. ZEKE BRIDGES** and **MS. LINDA DAVENPORT**,  
15 on behalf of the Applicant, were duly affirmed.

16 **MS. TANIA TULLY**,  
17 on behalf of the Commission, was duly affirmed.

18 THE CHAIR: And just before we start, I'd like to  
19 disclose that I did receive a note from Rich Leonard, dean at  
20 the law school. And despite -- since we're quasi-judicial,  
21 we only consider what's in the application and what's said  
22 tonight. And so despite receiving the note, I believe I can  
23 be impartial and fair in deciding this application.

24 MR. BRIDGES: We would appreciate that. Thank you.

25 THE CHAIR: Okay. And if you'd state your name and



1 address.

2 MR. BRIDGES: Sure. Zeke Bridges. I'm Assistant  
3 Dean of Administration at Campbell Law School.

4 THE CHAIR: Okay.

5 MS. DAVENPORT: Linda Davenport, Facility Manager at  
6 Campbell Law School.

7 THE CHAIR: Okay. And do you have anything to add  
8 to the application or have comments on the staff report?

9 MR. BRIDGES: Yes, sir, Mr. Chairman, we do. Ms.  
10 Davenport will handle any of the technical questions you  
11 might have, but I definitely want to give you an overview.

12 Obviously, Campbell Law School's been here in  
13 Raleigh since 2009, so we appreciate the partnership with the  
14 city and the state, and our students enjoy walking through  
15 these streets. And we've always chosen to give back. And  
16 that's kind of what we do at Campbell Law School. Our  
17 students have a servant heart, and they like to give back in  
18 *pro bono* matters and other things. But the faculty and the  
19 staff and the dean thought there was a better way to do that,  
20 so we opened the Community Law Clinic, which you see pictures  
21 of here. And that opened with a big ribbon cutting just last  
22 month.

23 And we would like a small wood sign placed out front  
24 to showcase that Campbell's dedicated to this cause, but also  
25 so our clients that will be coming by for *pro bono* services

1 will be able to find it easily.

2           We do believe that this is a commercial site. The  
3 house was moved there in 1982, and since then all uses of  
4 that site have been commercial in use. There was -- the PNC  
5 headquarters was there. The Preservation North Carolina  
6 headquarters was there at one time; Rufus Edmisten's law  
7 office was there after that; both commercial sites. And we'd  
8 also like to point out to the Committee's attention that on  
9 the edge of Moore Square the -- there's commercial district  
10 and state government offices as well. And -- but there's  
11 been no residential use of the site since 1982, and there's  
12 been no other residence that fronts Blount Street for several  
13 blocks in either direction. So we'd also like to point that  
14 out.

15           There are two Raleigh historic landmarks on Blount  
16 Street that also do have ground signs, and both are relocated  
17 from other sites, just as our house was. There's one at 424  
18 North Blount Street. That's where the North Carolina Ethics  
19 Commission is located. And also at 310 North Blount Street,  
20 and that's the Lieutenant Governor's house.

21           But we entertain any questions that you all might  
22 have.

23           MS. DAVID: I think the State conveniently excuses  
24 themselves from the COA process.

25           MS. TULLY: Well, I was going to say. And the --

1 yes, zoning does not apply to state-owned properties within  
2 six blocks of the Capitol, so they get to do -- they get to  
3 put up ground signs.

4 I do want to point out that I did hear new  
5 information about not -- not in the staff comments. It's  
6 about this being the only house facing Blount Street in this  
7 -- in this block.

8 So Mr. Bridges, in his testimony just now, pointed  
9 out that in this stretch of South Blount Street, it's the  
10 only house that fronts onto Blount Street. The others face  
11 onto New Bern Place.

12 THE CHAIR: Okay. Is there anybody to speak in  
13 favor of the application? Anybody who is opposed to the  
14 application? Okay.

15 MR. BRIDGES: And our dean sends his regrets. He's  
16 in San Francisco at a federal judges' conference; otherwise,  
17 he would be here. And our community law clinic, actually,  
18 Campbell director, would have been here, but she's in a  
19 mediation that's just wrapping up. So --

20 THE CHAIR: Okay. Questions?

21 MR. THIEM: I have a question for staff. Some of  
22 this is a curiosity that another treatment application for  
23 signs and residences that I've seen is where a placard is  
24 hung from like the edge of the porch. And I didn't see that  
25 addressed. And I was just curious as to what the history is

1 behind not allowing that versus, you know, having it mounted  
2 it on the building. Has there been any discussion in the  
3 past about that?

4 MS. TULLY: Well, they didn't file the application  
5 asking for that. I mean, to begin with, I don't remember  
6 discussion. I think that in this case, the house, the  
7 decoration of the porch is a significant character-defining  
8 feature that we -- we didn't even talk about that, but Ms.  
9 Davenport could confirm from our site visit. I don't recall  
10 exactly.

11 MR. THIEM: Well, you know, this was mostly about  
12 our past in terms of looking at that as an option.

13 MS. TULLY: It is. It's not preferred. There's  
14 been some guidance in the past where there's all of a sudden  
15 you get this proliferation of signage. So the -- at the same  
16 house -- I think it's 501 North Blount Street -- where the  
17 ground sign was denied, a hanging sign was approved, but  
18 under very specific circumstances to that particular  
19 building. But generally speaking, you know, for houses that  
20 are being used as a commercial -- in a commercial capacity in  
21 a residential-character district, putting a small sign on the  
22 wall is what is -- generally gets approved.

23 MR. THIEM: That's what I wanted to hear. Okay.

24 THE CHAIR: And just to clarify, in A, when you say  
25 that a forty-two-by-forty-wide ground sign may be

1 incongruous, it's not the size of the sign; it's really more  
2 the ground sign that you're finding incongruous?

3 MS. TULLY: Yeah. It was the ground nature,  
4 correct.

5 THE CHAIR: Any other questions? Should we close  
6 the --

7 MS. TULLY: Well, we haven't been doing this. Why  
8 don't you just make sure they have nothing to add? I heard  
9 them whispering, so I didn't know if they wanted to say  
10 anything else to you.

11 MR. BRIDGES: We just wanted to make sure the  
12 Committee did see in the application that the sign will be in  
13 the same color as the house, if that makes any difference in  
14 your decision.

15 THE CHAIR: Okay.

16 MS. DAVENPORT: And we did put in the application,  
17 too, that the sign size, if we put it on the house, would be  
18 small, or not as visible, because the wall that's the larger  
19 place is recessed back three feet from the door, and it's  
20 kind of not seen very well from the street due to poles and  
21 trees and other things.

22 MR. BROOKS: Mr. Chairman?

23 THE CHAIR: Yes?

24 MR. BROOKS: May I speak to the issue?

25 THE CHAIR: You certainly may.



1 MR. BROOKS: It can either be pro or con?

2 THE CHAIR: You -- you may. I should have asked was  
3 there any neutral comments on that.

4 MR. JOHN BROOKS, was duly affirmed.

5 MR. BROOKS: John Brooks, 516 North Blount Street.

6 I just wanted to mention some history, 'cause the  
7 question was asked as to whether this sort of thing has been  
8 discussed specifically on Blount Street before. And yes, it  
9 has.

10 We had -- we do have a Capital Planning Commission  
11 in North Carolina. The Governor is chair of it. It's to  
12 meet every three months by statute; however, it hasn't met in  
13 four years.

14 Nevertheless, I was a member of it for sixteen  
15 years. And this issue was one of the issues discussed as far  
16 as the Capital Planning Commission for all of the city of  
17 Raleigh.

18 And it was discussed as to whether to have  
19 standalone signs or not. And it was a unanimous decision not  
20 to allow standalone signs in yards, even though I note that  
21 it has been violated since that policy was adopted. That  
22 policy has not been altered, as far as the written word is  
23 concerned.

24 And it was specifically first coming up as a result  
25 of the request to have a yard sign in front of the Smith

1 House on Blount Street. And that's about 515. It's in the  
2 middle of the block. It's a two-hundred-year-old house. It  
3 was the president's home for Peace College, and it was on the  
4 block facing Wilmington Street, and was moved to Blount  
5 Street some years later. And it is privately owned. It is  
6 now a real estate office. The Hobby Company owns it at the  
7 present time. They, too, would like to have a yard sign.  
8 But anyway, it was decided that they could have a sign posted  
9 on the front porch.

10           There was a railing, a front porch with a wooden  
11 railing across it. And it was decided that a sign could be  
12 attached to that porch, and it was.

13           And in just passing I would note, there's a note  
14 here about that area of Blount Street and the fact the people  
15 at 501 wanted to have a sign, and it was turned down because  
16 Blount Street was predominantly a residential and not a  
17 commercial area. And I would just note, of course, at the  
18 present time it is almost all commercial. There are only  
19 three residences on this street. All the rest of the 500  
20 block is a -- is a art gallery and the offices of the college  
21 -- private colleges and universities and the wedding venue  
22 and so forth. So it is commercial; it's not residential.

23           So anyway, it's got the exact same character as this  
24 block has on which this house is located, exactly the same  
25 character. So anyway, just as a point of reference, they are

1 alike. And I just wanted to point that out, that this is  
2 something that's been discussed. And there was a decision to  
3 allow signs attached to the property, but not standalone.  
4 And that is still the Capital Planning Commission's written  
5 policy.

6 THE CHAIR: Okay. Thank you, Mr. Brooks.

7 Okay. Is there a motion to close the public portion  
8 of the hearing?

9 MR. SMITH: So moved.

10 MR. HINSHAW: Second.

11 THE CHAIR: All in favor?

12 THE MEMBERS: Aye.

13 THE CHAIR: Discussion?

14 MS. DAVID: I think -- I think it might be useful to  
15 -- just to point out that usually for our -- at least for our  
16 discussions about the sign at 501 Blount Street, we talked  
17 about the -- the character of the street as residential  
18 versus commercial in terms of appearance and not necessarily  
19 --

20 THE CHAIR: Right.

21 MS. DAVID: -- use.

22 MR. SMITH: Yeah. It's almost all houses,  
23 regardless of what they're used for.

24 MS. DAVID: Right. Right.

25 THE CHAIR: Yeah. Yeah. I thought that that was

1 the intention of that remark.

2 MS. DAVID: Yes.

3 MR. SMITH: 2.8.9 talks about freestanding signs in  
4 appropriate locations on low standards or ground bases.  
5 2.8.9.

6 I mean, that seems to suggest that it's appropriate.  
7 I think that's what that means.

8 MR. HINSHAW: Well, I know they brought it up in the  
9 comments that -- whether or not this was residential or  
10 commercial. And I remember when I was going by there, my  
11 impression was more commercial neighborhood than residential  
12 neighborhood.

13 THE CHAIR: Yeah. It's a little bit of a hybrid  
14 neighborhood.

15 MR. HINSHAW: Well --

16 THE CHAIR: Mixed use, I guess.

17 MR. HINSHAW: It is, but as I say, you know, if you  
18 go farther up Blount, it does become -- the appearance and  
19 the feel is more residential.

20 THE CHAIR: Uh-huh (yes).

21 MR. HINSHAW: But this close into the city, it  
22 definitely has a more commercial feel to it.

23 I mean, I'm just -- there's no specific, you know,  
24 to say, well -- I mean, they did note in here that, you know,  
25 a lot of the structures around there were commercial, as

1 well.

2 THE CHAIR: Uh-huh (yes). Well, it is sort of the  
3 beginning of the residential as you're going up Blount Street

4 --

5 MR. HINSHAW: Yeah.

6 THE CHAIR: -- [inaudible] start there.

7 MR. HINSHAW: Yeah, I mean --

8 THE CHAIR: The house is --

9 MR. HINSHAW: -- if you're coming in down there --

10 THE CHAIR: The house is kind of an outlier down  
11 there.

12 MR. HINSHAW: Yeah.

13 THE CHAIR: But --

14 MR. HINSHAW: Obviously, up where the Ethics house  
15 and a couple of other houses, it's obviously -- you know,  
16 there's a much more residential feel to it, even though it's  
17 commercial.

18 MR. THIEM: I -- this is a interesting dilemma for  
19 me. I -- having -- having walked by there to look at the  
20 site and -- at least from a pedestrian scale, I felt very  
21 much -- my -- my impression was it was a house. It wasn't a  
22 house in a commercial district. I mean, there was a lot of  
23 traffic going by. But the location of the sign and its  
24 position next to the house seem to be more critical to me  
25 about did it -- how did it relate to the house.



1           And the -- and I -- going back to the comment  
2 earlier, the occupancy inside is not an issue for us --

3           THE CHAIR: Uh-huh (yes).

4           MR. THIEM: -- one way or the other. At the end of  
5 the day, for me, with regard to the appropriateness in  
6 exterior changes, is about does this -- is the sign  
7 appropriate in terms of the context of the structure that is  
8 there?

9           And my sense is that it's a house. And houses don't  
10 typically have signs. And so the concession for allowing the  
11 sign is to find some way to minimize its impact. And I  
12 clearly understand the arguments around visibility and  
13 commercial. And again, that's -- you know, that's not part  
14 of our charge here, to make an argument one way or the other  
15 about the viability of what's going on and advertising and so  
16 forth.

17           So I'm having a struggle around approving the sign  
18 in the yard. And I appreciate the argument about context. I  
19 guess I'm struggling around how do we define that in a way,  
20 at least from -- I'm not sure that I can figure out how to  
21 define it in a way that clearly says when that's appropriate  
22 and when it's not.

23           THE CHAIR: The only sign I can think of that we've  
24 approved since I've been on is at the Boylan Apartments. And  
25 we did approve a sign there. But signs in front of

1 apartments were a fairly traditional thing, so it was in  
2 keeping with the character of that landmark, since it wasn't  
3 an historic district.

4           Whether signs in front of houses are in character, I  
5 would question that. Even though the -- where this is in the  
6 district is -- the use is not so residential, I think I agree  
7 with you that it is a house. And the one thing that I fall  
8 back on, is a sign on the wall of the house going to be any  
9 less of a appropriateness for a house?

10           MR. THIEM: Well, I guess according to what I've  
11 heard here, yes.

12           MS. TULLY: Yeah. A COA request --

13           MR. THIEM: [Inaudible] language --

14           MS. TULLY: Yeah.

15           MR. THIEM: -- that says it's appropriate.

16           MS. TULLY: A COA requesting to put a sign on the  
17 house, you know, not too big, but of a smaller size, is  
18 something that is generally approved by staff as a minor  
19 work.

20           MR. THIEM: And that's sort of where I'm looking. I  
21 mean, I appreciate your comment about the ground sign. And  
22 actually I struggled with that as a guideline, because it  
23 doesn't really talk about the context. And it seems to  
24 somewhat contradict the -- under the "Signage" section, the  
25 things to consider, this section about -- talking about it's

1 appropriate to put the sign on the house, which is why I was  
2 curious about bringing the sign out and hanging it on the  
3 porch piece, regardless of the trim and all the stuff going  
4 on, because I have seen that used in the past.

5 And I didn't bring it forth, but I've also seen at  
6 times where they hung the placard perpendicular to the house  
7 as an awning sign, I mean, or as a shingle-type sign out  
8 there.

9 So I'm -- I mean, at this point I'm not called to  
10 support it myself. So if someone wants to support it, they  
11 need to make a motion.

12 MS. DAVID: I mean, it is in an area of town that is  
13 -- is just exactly transitional, really, visually, between  
14 commercial and residential, residential in appearance. And  
15 we have been pretty consistent about not having ground signs  
16 in front of houses.

17 THE CHAIR: I think I'm going to agree with that.  
18 John?

19 MR. HINSHAW: I -- what, do you want me to -- no.

20 THE CHAIR: No. I was just asking what you --

21 MR. HINSHAW: I'm just -- I'm just -- you know, I  
22 understand that. And to be real honest with you, my  
23 [inaudible] was the size of the sign, not the fact that it  
24 was on the -- on the ground. But it seems to be awfully  
25 large. But, I mean, we can argue -- you know, obviously, I

1 understand the difference is we're talking about whether or  
2 not it's a commercial or residential. It's now -- it's a  
3 house that was moved to this site that's, you know -- so then  
4 you get into -- the guidelines can't -- to be real honest,  
5 the guidelines cannot address every -- every situation, and  
6 particularly in a part of the city that is going through a  
7 lot of transition at this point.

8           And like I say, when they brought that up, it was  
9 kind of like, okay, what's the feel? When I was there  
10 walking around the neighborhood and looking at the building,  
11 it's definitely more of a commercial, business feel than a  
12 residential feel, even though this, obviously, was a house.

13           THE CHAIR: Uh-huh (yes).

14           MR. HINSHAW: So I really don't have strong feelings  
15 about it one way or the other, except I just thought the sign  
16 was awfully large.

17           THE CHAIR: Okay. Who wants to make a motion? Do  
18 you want to, Caleb?

19           MR. SMITH: Okay. I move that based upon the  
20 evidence that has been presented in the application and  
21 during the public hearing, the Committee finds that the  
22 proposed installation of a sign is not incongruous according  
23 to Guideline Section 2.8.2, .4, .5, .7 and .9. However,  
24 installation of a forty-inch-tall, forty-inch-wide ground  
25 sign may be incongruous.

1 MS. DAVID: You have to pick.

2 MR. SMITH: So I have to pick.

3 MS. TULLY: Only staff gets to say maybe.

4 MR. SMITH: All right. However, installation of a  
5 forty-two-inch tall, forty-inch-wide ground sign is  
6 incongruous according to Guideline Section 2.8.2, 6, 9 and  
7 Facts 1 through 10.

8 MS. DAVID: Second. I would --

9 THE CHAIR: Go ahead.

10 MS. DAVID: I was going to add Fact 11, that it's  
11 the only house that actually faces Blount Street. I mean,  
12 that is a fact we heard. And to add Mr. Brooks' testimony  
13 that the Capital Planning Commission voted unanimously  
14 against ground signs.

15 THE CHAIR: Okay. Any more discussion?

16 All in favor?

17 THE MEMBERS: Aye.

18 THE CHAIR: Any opposed? Okay.

19 MR. SMITH: I move that the application for  
20 certificate of appropriateness be denied.

21 THE CHAIR: Okay.

22 MS. DAVID: Second.

23 THE CHAIR: Any discussion? All in favor?

24 THE MEMBERS: Aye.

25 THE CHAIR: Any opposed? All right. That's it.



1 (Whereupon, the 27-minute proceedings pertaining to 11 South  
2 Blount Street were concluded.)

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1 STATE OF NORTH CAROLINA

2 COUNTY OF WAKE

3 C E R T I F I C A T E

4 I, Sarah K. Anderson, a Notary Public in and for the  
5 State of North Carolina, do hereby certify that the foregoing  
6 Pages 1 through 19 represents a true and accurate  
7 transcription of an electronic recording provided to me by  
8 THE RALEIGH HISTORICAL DEVELOPMENT COMMISSION, to the best of  
9 my ability and based on the quality of the recording, that I  
10 am not related to any of the parties to this action, that I  
11 am not interested in the outcome of this case, and that I am  
12 not of counsel nor in the employ of any of the parties to  
13 this action.

14 This the 30th day of January 2017.

15 *Sarah K. Anderson*

16 \_\_\_\_\_  
Notary Public  
Certificate No. 19941750012

17 My Commission Expires 05/06/2020

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